

1 **REMARKS**

2 Claim 66 has been amended.

3 Claims 1-66 are pending.

4

5 **Rejections under 35. U.S.C. §103(a)**

6 **Claims 1-66** stand rejected under 35 U.S.C. §103(a) as being unpatentable
7 over U.S. Patent No. 4,835,682, issued to Kurachi et al. (hereinafter referred to as
8 *Kurachi et al.*) in view of U.S. Patent No. 6,343,280, issued to Clark (hereinafter
9 referred to as *Clark*) further in view of U.S. Patent No. 5,891,761, issued to Kean
10 (hereinafter referred to as *Kean*).

11 Applicants respectfully traverse these rejections for at least the following
12 reasons.

13 *Kurachi et al.* disclose techniques for preventing unauthorized copying of
14 software programs stored on floppy drives. To do this, *Kurachi et al.* take
15 advantage of a floppy disk controller/drive that supports two different frequency
16 modulation modes, namely a standard frequency modulation (FM) mode and a
17 non-standard frequency modulation mode (MFM). *Kurachi et al.* also utilize a
18 machine ID associated with the host computer that is attempting to load a program
19 that is stored on a floppy disk using the MFM mode. In order to read the floppy
20 disk, the host computer is required and configured to convert the MFM written
21 program and rewrite it to the floppy disk using the FM mode. During the rewrite
22 to the floppy disk, the program is modified based on the machine ID such that
23 when the floppy disk is read in the future only the host computer will be allowed to
24 run the modified program stored on the floppy disk. *Kurachi et al.* teach that the
25 modified program is de-modified and the resulting original program is then

1 allowed to run. If the rewritten floppy disk is subsequently inserted into another
2 computer having a different machine ID, the program cannot be de-modified and
3 therefore cannot be run.

4 *Clark* teaches that keys can be distributed by a software vendor to a
5 software user and a remote licensing agent, and that the remote licensing agent can
6 be configured to execute certain instructions for the software user provided the
7 validity of an appropriate license. This is a form of distributed processing.

8 *Kean* discloses techniques by which field programmable gate arrays (FPGAs)
9 are configured into a plurality of cells having hardware based logic elements that can
10 be connected together.

11 Independent **Claim 1** is directed towards a method that includes providing
12 an initial digital good to at least one computer. The initial digital good includes a
13 plurality of selectively arranged parts in an initial configuration and the initial
14 digital good is configured as to not properly function with the computer. The
15 method further includes, with the at least one computer, receiving unique key data,
16 and converting the initial digital good into a modified digital good using the
17 unique key data to selectively individualize the initial digital good for use with the
18 computer, such that the plurality of selectively arranged parts in the modified
19 digital good have been rearranged to have a substantially unique operative
20 configuration that properly functions with the computer and is different than the
21 initial configuration. The method also includes causing the computer to run the
22 modified digital good.

23 Neither *Kurachi et al.*, *Clark* and/or *Kean* disclose or otherwise reasonably
24 suggest taking a digital good (or portion thereof) having a plurality of selectively
25 arranged parts in an initial configuration and rearranging such parts in a different

1 configuration to produce a modified digital good (or portion thereof). Here, for
2 example, unique key data can be used in the process of selectively rearranging the
3 plurality of parts.

4 *Kurachi et al.* teach that a digital good can be modified on a floppy disk
5 using a floppy disk controller/drive that supports two different frequency
6 modulation modes, namely a standard frequency modulation (FM) mode and a
7 non-standard frequency modulation mode (MFM). There is no rearrangement of
8 parts of a digital good. In their distributed processing system, *Clark* does not teach
9 that selectively arranged parts of a digital good (or portion thereof) are rearranged.
10 *Kean*, which is alleged to disclose that an initial digital good can include a plurality
11 of selectively arranged parts in an initial condition, teaches that in CAL II FPGA
12 design a plurality of replaceable blocks of static logic design and similar signal
13 interfaces can be designed and provided in a runtime library and alternative FPGA
14 configurations considered/tested in deciding with subset of replaceable blocks to
15 implement. The so-called digital good in *Kean* is not actually a modified digital
16 good that has been rearranged to have a substantially unique operative configuration
17 that properly functions with the computer and is different than the initial
18 configuration. Instead, the resulting rearranged circuit layout represents a chosen
19 design that only properly functions when burned into an FPGA. As far as the
20 digital good aspect of *Kean*'s invention is concerned, the CAL II or CAD design
21 software that selects circuit layout design blocks from the library does not get
22 rearranged itself, nor does the runtime library or block therein get rearranged in
23 any manner.

24 Simply stated, *Kean* does not produce a digital good analogous to the
25 modified digital good as recited in the pending claims. Consequently, and in

1 additional there appears no reasonable motivation for one skilled in the art to even
2 begin to combine the disparate teachings of Kean with *Kurachi et al.* and/or *Clark*.

3 For at least these reasons, Claim 1 is clearly patentable over the cited art
4 and in condition for prompt allowance, as are **Claims 2-17** which depend there
5 from and add further limitations thereto.

6 Independent **Claim 18** is directed towards a computer-readable medium
7 comprising computer-executable instructions for, with the at least one computer,
8 receiving an initial digital good, wherein the initial digital good includes a plurality
9 of selectively arranged parts in an initial configuration and the initial digital good
10 is configured as to not properly function with the computer, receiving unique key
11 data, and converting the initial digital good into a modified digital good using the
12 unique key data to selectively individualize the initial digital good for use with the
13 at least one computer, such that the plurality of selectively arranged parts in the
14 modified digital good are rearranged to have a substantially unique operative
15 configuration that properly functions with the at least one computer and is different
16 than the initial configuration.

17 For at least the same reasons stated above with regard to the method of
18 Claim 1, Claim 18 is also clearly patentable over the cited art and in condition for
19 prompt allowance, as are **Claims 19-26** which depend there from and add further
20 limitations thereto.

21 Independent **Claim 27** is directed towards a computer-readable medium
22 comprising computer-executable instructions for receiving unique identifier data
23 associated with at least one computer, generating unique key data based on at least
24 the unique identifier data, receiving at least a portion of an initial digital good
25 having a plurality of selectively arranged parts in an initial configuration,

1 converting the at least a portion using the unique key data to selectively
2 individualize the portion, such that a modified portion of the digital good is
3 produced having the plurality of parts rearranged in a different configuration than
4 the initial configuration, and providing at least the modified portion of the digital
5 good and at least a portion of the unique key data to the at least one computer.

6 Again for at least the reasons stated above with regard to the method of
7 Claim 1, the computer-readable medium of Claim 27 is also clearly patentable over
8 the cited art and in condition for prompt allowance, as are **Claims 28-33** which
9 depend there from and add further limitations thereto.

10 Independent **Claim 34** is drawn to an apparatus for use in a host computer.
11 The recited apparatus includes an individualizer that is configured to receive
12 unique key data and at least a portion of an initial digital good that includes a
13 plurality of selectively arranged parts in an initial configuration, and produce at
14 least a portion of a modified digital good using the unique key data to selectively
15 individualize the initial digital good for use with the host computer, and such that
16 the plurality of selectively arranged parts in the modified digital good are
17 rearranged to be operatively different in configuration than the initial configuration
18 of the digital good.

19 Again for at least the reasons stated above with regard to the method of
20 Claim 1, the apparatus of Claim 34 is also clearly patentable over the cited art and
21 in condition for prompt allowance, as are **Claims 35-42** which depend there from
22 and add further limitations thereto.

23 Independent Claim 43 is directed towards an apparatus for use in a source
24 computer. Here, the recited apparatus includes a key generator configured to
25 receive a unique identifier data from a destination computer and generate unique

1 key data based on the received unique identifier data associated with the
2 destination computer. The apparatus also includes an individualizer configured to
3 receive the unique key data and at least a portion of an initial digital good having a
4 plurality of selectively arranged parts in an initial configuration and output at least
5 a portion of a modified digital good using the unique key data to selectively
6 individualize the initial digital good, such that in the modified digital good the
7 plurality of selectively arranged parts have been rearranged to have an operatively
8 different configuration than the initial configuration.

9 For at least the reasons stated above with regard to the method of Claim 1,
10 the apparatus of Claim 43 is also clearly patentable over the cited art and in
11 condition for prompt allowance, as are **Claims 44-49** which depend there from and
12 add further limitations thereto.

13 Independent Claim 50 is drawn to a system that includes an identifier
14 configured to output unique identifier data associated with a computer, a key
15 generator coupled to receive the unique identifier data and generate at least one
16 unique key data based on the received unique identifier data, and at least one
17 individualizer configured to receive the unique key data and at least a portion of an
18 initial digital good that includes a plurality of selectively arranged parts in an
19 initial configuration, and output at least a portion of a modified digital good using
20 the unique key data to selectively individualize the initial digital good, such that
21 the plurality of selectively arranged parts in the modified digital good have been
22 rearranged to be operatively different in configuration than the initial configuration
23 of the digital good.

24 For at least the reasons stated above with regard to the method of Claim 1,
25 the system of Claim 50 is also clearly patentable over the cited art and in condition

1 for prompt allowance, as are **Claims 51-66** which depend there from and add
2 further limitations thereto.

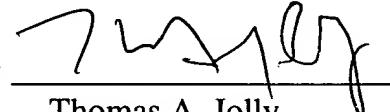
3 **Conclusion**

4 For at least these substantial reasons, it is respectfully requested that all of
5 the rejections be reconsidered and withdrawn. The pending claims have been
6 placed in condition for allowance and are clearly patentable over the cited art and
7 should therefore be allowed.

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9 Respectfully Submitted,

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